

## **DISTRICT OF COLUMBIA TAXICAB COMMISSION**

### **NOTICE OF FINAL RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (3), (4), and (19), 14, and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (3), (4), and (19), 50-313, and 50-525 (2012 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 8 (Taxicab Parts and Equipment) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles-for-hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapter 8 to establish requirements to safely secure wheelchairs and other mobility equipment in wheelchair accessible vehicles. The amendments to Chapter 99 would add a necessary definition for “wheelchair securement system”.

Emergency and proposed rulemaking was adopted by the Commission on October 14, 2015 and published in the *D.C. Register* on December 11, 2015 at 62 DCR 015944. The emergency rules remain in effect for one hundred and twenty (120) days after the date of adoption (expiring February 11, 2016), unless earlier superseded by an amendment or repeal by the Commission, or the publication of this final rulemaking, whichever occurs first. The Commission did not receive any comments during the comment period, which expired on January 10, 2016 and no substantial changes have been made.

The Commission voted to adopt these rules as final on January 20, 2016, and they will become effective upon publication in the *D.C. Register*.

**Chapter 8, OPERATION OF PUBLIC VEHICLES FOR HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:**

**Section 819, CONSUMER SERVICE AND PASSENGER RELATIONS, is amended as follows:**

**A new subsection 819.11 is added to read as follows:**

819.11        Each operator of a wheelchair accessible vehicle shall ensure that wheelchair passengers are properly secured using the vehicle’s wheelchair securement system, by providing assistance as necessary or if requested by the passenger. Notwithstanding the provisions of § 819.10, no operator shall be required to transport a wheelchair passenger who refuses to be properly secured by the vehicle’s wheelchair securement system.

**Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:**

**Section 9901, DEFINITIONS, is amended as follows:**

**Subsection 9901.1, is amended to add a new definition as follows:**

**“Wheelchair securement system”** – a system which meets the requirements of 49 CFR Part 38 § 38.23 (d) to safely secure a wheelchair in a wheelchair accessible vehicle.